



## CHAPTER 1 - PURPOSE AND NEED FOR ACTION

The purpose of this chapter is to briefly describe the underlying purpose and need to which the U.S. Fish and Wildlife Service (Service) is responding in proposing the proposed action and project alternatives.

### \*\*\*CHAPTER HIGHLIGHTS\*\*\*

- ! A Description of the Purpose and Need for Action
- ! A Discussion of Relevant Background Information
- ! A Description of the Service's Proposed Action
- ! A Description of the Scoping and Public Involvement Process, including Issues
- ! An Explanation of the Decision(s) to be Made
- ! A Description of Applicable Federal Laws and Executive Orders

### 1. PURPOSE

The purpose of this Environmental Assessment (EA) is to evaluate and publicly disclose the possible environmental consequences that implementation of the Necedah National Wildlife Refuge Comprehensive Conservation Plan (CCP), including its associated Fire Management Plan, the possible construction of a new visitor center at the Refuge, and the potential protection of land from willing sellers in the Yellow River Focus Area, could have on the quality of the physical, biological, and human environment, as required by the National Environmental Policy Act of 1969.

### 2. NEED

The need for a CCP for the Refuge was established by the National Wildlife Refuge System Improvement Act (Act) of 1997 (Appendix II). The need for an EA for the CCP was established by Service policy guidance and by four primary needs identified through the CCP scoping and public involvement process. They are:

- *Service trust resources*, namely, the need to perpetuate listed species, waterfowl and other migratory birds, and native biological diversity.
- *Refuge visitor services*, namely, the need to provide the public high quality visitor services at the Refuge, such as hunting, fishing, wildlife observation, photography, environmental education, and interpretation
- *Habitat management*, namely, the need to provide high quality habitat within the Refuge and the Yellow River Focus Area for the benefit of listed species, waterfowl and other migratory birds, and native biological diversity. Similarly, there is a need to implement the Refuge's Fire Management Plan (FMP) through this EA
- *The Yellow River Focus Area*, namely, the need to protect the existing habitat in the Yellow River Focus Area (Figure 2) for the benefit of listed species, waterfowl and other migratory birds, and native biological diversity.



### **3. BACKGROUND INFORMATION**

#### **3.1 The U.S. Fish and Wildlife Service**

The U.S. Fish and Wildlife Service (Service) is the principal Federal agency responsible for conserving, protecting and enhancing fish, wildlife, and plants and their habitats for the continuing benefit of the American people.

The Service manages the 93-million-acre National Wildlife Refuge System, which includes more than 520 national wildlife refuges and thousands of small wetlands and other special management areas. It also operates 66 national fish hatcheries, 64 fishery resource offices and 78 ecological services field stations. Among its key functions, the Service enforces Federal wildlife laws, protects endangered species, manages migratory birds, restores nationally significant fisheries, conserves and restores wildlife habitat such as wetlands, and helps foreign governments with their international conservation efforts. It also oversees a Federal Aid program that distributes hundreds of millions of dollars in excise taxes on fishing and hunting equipment to state fish and wildlife agencies.

The Service employs approximately 7,500 people in seven geographic regions. Its headquarters are located in Washington D.C. Necedah National Wildlife Refuge is located in the Great Lakes-Big Rivers Region of the Service, which includes the states of Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. The Great Lakes-Big Rivers Region manages over 1.2 million acres of land and water on 46 national wildlife refuges and nine wetland management districts, including more than 240,000 acres in waterfowl production areas. The Region also manages six national fish hatcheries, nine fisheries stations, 10 ecological services field offices, and 18 law enforcement field offices.

#### **Mission of the U.S. Fish and Wildlife Service**

The mission of the Service is *working with others, to conserve, protect and enhance fish, wildlife, and plants and their habitats for the continuing benefit of the American people.*

#### **Goals of the U.S. Fish and Wildlife Service**

- ***Sustainability of Fish and Wildlife Populations:*** Migratory birds, endangered fish and wildlife species, interjurisdictional fish, and marine mammals are conserved, protected, enhanced, or restored. The Service is participating in conservation of other species when its expertise, facilities, or lands can enhance state, tribal, or local efforts.
- ***Habitat Conservation:*** An ecologically diverse network of lands and waters, of various ownerships, is conserved to provide habitats for marine mammals and migratory, interjurisdictional, endangered, and other species associated with ecosystems conserved in cooperation with others.
- ***Connecting Americans to Wildlife:*** The American public understands and participates in the conservation and use of fish and wildlife resources.
- ***Workforce Excellence:*** The Service's workforce, scientific capability, and business practices - in cooperation with the Department of Interior's scientific expertise - fully support achievement of the Service mission.



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### Objectives of the U.S. Fish and Wildlife Service

- Assist in the development and application of an environmental stewardship ethic for our society, based on ecological principles, scientific knowledge of fish and wildlife, and a sense of moral responsibility.
- Guide the conservation, development, and management of the Nation's fish and wildlife resources.
- Administer a national program to provide the public opportunities to understand, appreciate, and wisely use fish and wildlife resources.

### Functions of the U.S. Fish and Wildlife Service

- Acquire, protect, and manage unique ecosystems necessary to sustain fish and wildlife such as migratory birds, resident species, and endangered species.
- Operate a National Fish Hatchery System in support of the restoration of depleted interjurisdictional fish stocks, the recovery of federally listed threatened and endangered species, and the fulfillment of Federal mitigation responsibilities.
- Provide protection of fish and wildlife from dislocation or destruction of their habitats, overuse, and industrial, agricultural, and domestic pollutants.
- Render financial and professional technical assistance to states through Federal Aid programs for the enhancement and restoration of fish and wildlife resources.
- Conduct programs of enforcement, management, and professional technical assistance to other agencies for the protection of endangered species.
- Promulgate and enforce regulations for the protection of migratory birds, marine mammals, fish and other non-endangered wildlife from illegal taking, transportation, or sale within the United States or from foreign countries.
- Conduct programs of planning, evaluation, and professional technical assistance to other agencies for the proper use and protection of fish and wildlife habitat that directly benefit the living natural resource and add quality to human life.
- Conduct programs of interpretation, education, and recreation to foster a stewardship ethic in the American public through high quality fish and wildlife oriented experiences.
- Communicate information essential for public awareness and understanding of the importance of fish and wildlife resources and interpret fish and wildlife changes reflecting environmental degradation that ultimately will affect the welfare of human beings.

### 3.2 The National Wildlife Refuge System

The National Wildlife Refuge System is the world's largest and most diverse collection of lands and waters set aside specifically for wildlife. The Refuge System began in 1903 when President Theodore Roosevelt designated 3-acre Pelican Island, a pelican and heron rookery in Florida, as a national bird sanctuary.

Today, over 500 national wildlife refuges have been established from the Arctic Ocean to the South Pacific, from Maine to the Caribbean. Varying in size from half-acre parcels to thousands of square miles, they encompass more than 92 million acres of the Nation's best wildlife habitats. The vast majority of these lands are in Alaska, with the rest spread across the rest of the United States and several U.S. territories.



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### Mission of the National Wildlife Refuge System

The mission of the National Wildlife Refuge System is to *administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.*

### Goals of the National Wildlife Refuge System

- Preserve, restore, and enhance in their natural ecosystems (when practical) all species of animals and plants that are endangered or threatened with becoming endangered.
- Perpetuate the migratory bird resource.
- Preserve a natural diversity and abundance of fauna and flora on refuge lands.
- Provide an understanding and appreciation of fish and wildlife ecology and humankind's role in their environment and provide refuge visitors with high quality, safe, wholesome and enjoyable recreational experiences oriented toward wildlife to the extent that these activities are compatible with the purposes for which each refuge was established.

### 3.3 Necedah National Wildlife Refuge

#### Background

The Necedah National Wildlife Refuge (Refuge) CCP represents an intensive effort by the Service to identify and evaluate strategic opportunities and issues relative to the Refuge's ability to accomplish its purpose, contribute to the mission of the Service and the National Wildlife Refuge System, and to meet other relevant mandates.

#### History of the Refuge

The history of the Refuge dates back to the early 1930s when the U.S. Government acquired 114,964 acres of land in Juneau, Wood, Monroe, and Jackson counties, Wisconsin, to assist farmers living within the area and to develop the area for wildlife. The Refuge was established in 1939 as a refuge and breeding ground for migratory birds and for use as an inviolate sanctuary for migratory birds. It is located in central Wisconsin, about 180 miles southeast of Minneapolis, Minnesota, 150 miles northwest of Milwaukee, Wisconsin, and about four miles west of Necedah, Wisconsin (Figure 1).



**Figure 1** - The Refuge (i) is located in Juneau and Wood County Wisconsin.



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### Resource Setting

Situated on the bed of former Glacial Lake Wisconsin and the Great Central Wisconsin Swamp, land in and around the Refuge was once a vast peat bog with some low wooded islands and savannas; the higher sand ridges were occupied by mature stands of pines and other species.

Today the Refuge consists of 43,696 acres of wetlands and open water areas, pine, oak, and aspen forests, grasslands, and rare savannas, all of which support a rich diversity of fish, wildlife, and plant populations. Over 230 different species of birds have been observed on the Refuge since its inception. The Refuge also supports several threatened, endangered, and rare species like the Karner blue butterfly, Blanding's turtle, and the eastern massasauga rattlesnake, as well as resident game species including the white-tailed deer, wild turkey, and ruffed grouse. Nearly 150,000 people visit the Refuge annually to hunt, fish, hike, observe and photograph wildlife, pick berries, or just relax among the trees, wetlands, and wildlife.

### Management

Management of the Refuge is carried out by a multi-disciplined team of biologists, technicians, and support staff who are recognized leaders in their fields. Protecting, restoring, and maintaining biologically diverse and productive wetlands, forest land, and open landscapes for fish and wildlife resources are key indicators of management success. Management tools involve water level manipulation, prescribed burning, timber harvest, land acquisition, and public outreach and environmental education. Scientifically rigorous monitoring and research activities create the foundation from which quality management decisions are made. Cooperative working relationships with universities, other Federal agencies, the State of Wisconsin, elementary and secondary educational institutions, and non-government organizations are key assets to management success.

### Current Issues and Needs

#### *Service Trust Resources*

Numerous Service trust resources utilize the Refuge and the Yellow River Focus Area for meeting one or more of their life cycle needs, including three Federally listed threatened or endangered species. These include the bald eagle, eastern timber wolf, and Karner blue butterfly. The eastern massasauga rattlesnake, which is currently a candidate for federal listing, is found in low numbers in the Yellow River area. In addition to Federally-listed species, several state-listed threatened or endangered species use the Refuge, including the red-shouldered hawk, Blanding's turtle, and trumpeter swan. The Refuge also supports several rare, threatened, or endangered species of plants, including the prairie fameflower, small skullcap, oval-leaved milkweed, and woolly milkweed, and provides habitat for several important plants (e.g., wild lupine and downy phlox) that support rare organisms (e.g., Karner blue butterflies, phlox moth).

In total, more than 230 different species of birds have been observed on the Refuge since its inception. The Refuge has long been considered an important migratory stopover area for waterfowl such as mallards, blue-winged teal, ring-necks, and wood ducks. Other migrant bird species that utilize the Refuge during spring, summer, or fall include: Canada, snow, and white-fronted geese; sandhill cranes; woodcock; snipe; great blue herons; swans; egrets; dickcissels; warblers; brown thrashers; several different species of sparrows; meadowlarks; sora rails; black-



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crowned night herons; bobolinks; bitterns; and red-tailed hawks; just to name a few. During migrations, three species of geese, 10 species of dabbling ducks, nine species of diving ducks, and trumpeter and tundra swans are commonly found in significant numbers on the Refuge.

In recent years, many plant and animal species associated with Midwestern grasslands, savannas, and sedge meadows have experienced serious declines, primarily due to habitat loss and alteration of natural ecosystem structure and function (e.g., predation, exotic species, fire suppression, habitat fragmentation, drainage/flooding).

The wide-scale loss of oak savanna and pine barren ecosystems across twelve states and the province of Ontario, Canada, has had severe negative impacts on Karner blue butterflies. As a result, the KBB was proposed for federal listing on January 21, 1992, and listed as endangered on December 14, 1992. Today scattered populations are only found in portions of New Hampshire, New York, Michigan, Wisconsin, Indiana, and Minnesota (Karner Blue Butterfly Habitat Conservation Plan and Environmental Impact Statement, 1999). The Refuge is home to the world's largest remaining population of Karner blue butterflies, providing habitat for 12 population complexes. No critical habitat has been designated for this species.

Grassland-dependent birds have shown steeper, more consistent, and geographically more widespread declines (25-65%) than any other group of North American birds (Samson and Knopf 1994). Breeding Bird Surveys for the Great Lakes-Big Rivers Region indicate that numerous grassland nesting, non game species in the Midwest have shown significant declines since the mid-1960's (National Biological Survey 1995). Several of these utilize the Refuge. These include the bobolink, Henslow's sparrow, grasshopper sparrow, vesper sparrow, savannah sparrow, lark sparrow, field sparrow, dickcissel, eastern meadowlark, and American bittern. The grasshopper sparrow and dickcissel have declined over 80 percent in Wisconsin since the mid-1960's. Many others, especially those associated with rare oak savannas (e.g., Red-headed Woodpecker, Northern Flicker), have experienced similar, though less dramatic declines.

### *Refuge Visitor Services*

The National Wildlife Refuge System Improvement Act of 1997 has ushered in a new era of public involvement on national wildlife refuges. Providing for public uses is now an essential part of Refuge missions across the country. Necedah National Wildlife Refuge has always been a popular destination for traditional hunters and fishing enthusiasts. However, in recent years other uses, such as wildlife observation, hiking, environmental education, and interpretation have surpassed traditional activities in terms of public interest.

The Refuge currently has two major needs relative to providing high quality services to its visitors. First, the main office (which also serves as the visitor center) is ineffective as an initial visitor contact point (due to its isolation, distance from a main road, and small size). The current facility has no formal education features (with the exception of a small conference room) and lacks in interpretive programming displays. In recent years, Refuge programs and activities have typically attracted over 100 participants. The current facility accommodates a maximum of 30. Further, the Refuge is now the site for an experimental whooping crane population, an attraction that will undoubtedly increase visitor use at the Refuge. The second major need relates to the quality of the existing visitor facilities at the Refuge. There is a need to renovate existing facilities for safety and accessibility, to improve visitor information systems (signs and brochures), and to bring public facilities up to Service standards.



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The Refuge is not known and understood within the local area. This was made apparent during the three-year planning process for the Refuge CCP. Many people living near the Refuge do not distinguish the Refuge from the Wisconsin DNR, or understand that the Refuge is part of a national system of Refuges dedicated to perpetuating our nations fish and wildlife resources for the enjoyment of present and future generations. The Refuge needs to promote its recreation and educational opportunities, as well as raise awareness of the importance of the Refuge among the various economic and environmental interests that influence public policy and Refuge management direction. To improve customer service, the Refuge needs to collect additional information on Refuge visitor volume, characteristics, opinions, and what their expectations are for the Refuge.

### *Habitat Management*

The need for additional wildlife habitat protection, restoration and management at the Refuge has been made clear by the declining status of numerous grassland, savanna, and wetland dependent species of birds (see “*Service Trust Resources*” above) and numerous studies that have demonstrated that habitat loss or degradation is a common causal factor in many of those declines.

The State of Wisconsin has lost over 53 percent of its original wetlands and 99 percent of its original prairies and oak savannas. Prior to European settlement, Wisconsin is estimated to have had approximately 10 million acres of wetlands and 4 million acres of savannas. Today less than 5 million acres of wetlands remain. Savannas have been reduced to less than 60,000 acres statewide.

At the National level, habitat losses are equally dramatic. Of the estimated 221 million acres of wetland habitat present in the lower 48 states at the time of colonial America, only 103 million acres remain (47 percent). Draining, dredging, filling, leveling, and flooding have reduced wetlands to where now twenty-two states have lost 50 percent or more of their original wetlands, and ten states have lost 70 percent or more (Dahl, 1990).

Native Midwestern prairies have suffered an even more drastic fate. For years following the initial conversion of native Midwestern prairies, many prairie-dependent wildlife species remained relatively stable through their ability to colonize agricultural grasslands. However, 20<sup>th</sup> century agricultural grassland loss has followed a similar path of decline as native prairie loss in the 19<sup>th</sup> century. In many parts of the Midwest, agricultural grasslands are at their lowest level in more than 100 years.

Of late, a new round of human-induced change threatens many remaining ecosystems in the Refuge area. A trend called “rurbanization” where rural areas are being converted to a more densely developed state. In recent years, the population of the area surrounding the Refuge has expanded, while the size of the undeveloped land base continues to shrink, leaving many natural areas as scattered fragments of increased importance for scientific study, education, and protection of natural ecological processes. According to the U.S. Census, the Town of Necedah and the Town of Finley grew by 34 percent and 27 percent respectively between 1999 and 2000. As a result, many of the large natural areas around the Refuge (and in the Yellow River area) are being fragmented through housing development, roads, etc), which diminishes the value of these areas for area-sensitive wildlife like the bobolink, prairie chicken, and many large mammals. Habitat size, shape, and amount and type of edge are important factors in the reproductive



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success of many grassland birds. It is this type of development that particularly threatens the remaining oak savanna habitat in this region. Without proper management, most areas will continue to degrade due to their size, isolation, absence of natural processes such as fire and hydrologic cycle maintenance, and inadequate buffers protecting them from surrounding agricultural and urban land uses. It also places greater demands on the Refuge and its partners in terms of safeguarding Refuge ecosystem structure and function for the benefit of Service trust resources.

The Refuge is facing increasing threats to its ecological and aesthetic character due to air, water, and noise pollution, exotic species, and incompatible recreational uses. The region's agricultural sector has become much more dependent on the use of pesticides and fertilizers. Runoff from nearby agricultural fields may end up in water that drains into the Refuge, posing a threat to the habitat on which many wildlife species rely. The Wisconsin Air National Guard, which maintains a gunnery and bombing training range northeast of the Refuge. An expansion of this range could have an adverse impact on the Refuge, especially on the resident and migrating wildlife populations and on Refuge visitor experiences.

The Refuge has incomplete inventories for many of its natural, archeological, and cultural resources, including habitat. Monitoring systems needed to protect and properly manage Refuge resources are also inadequate. Monitoring and evaluation systems need to be developed to measure progress toward habitat goals and objectives.

### *The Yellow River Focus Area*

The Yellow River Focus Area (Figure 2, page 27), which lies east of the Refuge, provides a unique opportunity to protect rare and declining bottomland forest and adjacent upland habitat for the benefit of listed species, waterfowl and other migratory birds, and native biological diversity. The Yellow River area represents one of the few remaining high-quality bottomland hardwood forest ecosystems in the Nation. Silver maple, swamp white oak, green ash, and river birch dominate the floodplain, while the lower sandy ridges, slightly higher than the flood plain, support white oak, bur oak, shagbark hickory, and white pine. The highest of these areas were once oak and pine savannas, one of North America's most endangered habitats, with only .02% of its pre-settlement acreage remaining.

While rich in biological diversity, the Yellow River area is experiencing human-induced degradation (primarily due to rural development as described above and lack of habitat management) and would benefit from habitat protection and management practices designed to sustain its ecological value (protection of large blocks of habitat through financial incentives to landowners, prescribed fire, mowing, wetland restoration, forest management).

Many landowners within the 21,952-acre Yellow River Focus Area have contacted the Refuge in recent years in search of technical assistance in managing their land for wildlife. In the past 2 years, 121 landowners owning 17,308 acres in the Yellow River Focus Area have received technical assistance from the Service. However, nearly all of the area is in private ownership and unprotected from future development.

Many Federal, state, local, and non-government conservation organizations support stewardship and protection of the natural resources in this area. Several property owners have indicated an interest in selling their land and/or a conservation easement on their land to the Service.





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### 4. **PROPOSED ACTION**

The Service's proposed action in this EA is to develop and implement a Comprehensive Conservation Plan (CCP) for the Necedah National Wildlife Refuge that best achieves the purpose of the Refuge, contributes to the mission of the National Wildlife Refuge System, is consistent with principles of sound fish and wildlife management, available science, legal mandates, and other Service policies, guidelines, and planning documents, and addresses the significant internal and external needs and issues identified during the scoping and public involvement process.

Future management of the Refuge aims to restore and preserve biological integrity, diversity, and environmental health of the Refuge and the Yellow River Focus Area (Figure 2, page 27), a 21,953-acre area located adjacent to the Refuge, for the benefit of listed species, waterfowl and other migratory birds, and native biological diversity. In addition, Refuge staff will be leaders in building mutually-beneficial relationships with the public and their conservation partners, and will facilitate, to the extent possible, high quality wildlife-dependent environmental education, interpretation, and recreation experiences that further the public's understanding and appreciation for the Refuge, the National Wildlife Refuge System, and the role humankind plays in their stewardship.

### 5. **SCOPING AND PUBLIC INVOLVEMENT**

Scoping is the process of identifying opportunities and issues related to a proposed action. The Service publicly announced it was preparing a CCP for the Refuge in June 1997. Since that time, information about the planning project has been provided to the public through news releases, presentations, interviews, informational letters, and one-on-one briefings. Federal, state, local, and private entities were involved in the scoping process. More than 6,000 people were sent information on the Refuge CCP (e.g., letters, newsletters, draft CCPs), including landowners in the four townships surrounding the Refuge (information was obtained from Juneau and Wood county tax records) and landowners in the Yellow River Focus Area. Others involved were Wisconsin's Congressional Delegation, the U.S. Department of Agriculture, elected officials representing Juneau and Wood counties, Wisconsin Department of Natural Resources, local governments, representatives of national, state, and local conservation organizations, neighboring landowners, and other interested people. Public input was considered at all phases of the CCP planning process. The Service coordinated its scoping effort closely, and corresponded frequently with many of the aforementioned entities. Since June of 1997, 10 public meetings were held to gather public input. In addition, two draft CCPs/EAs were issued to a wide range of interests, including all of the libraries in the counties surrounding the Refuge. The first draft was released in August 1998. The second draft was released in July 2000. Comments received during the scoping and public involvement process covered a wide range of interests.

In response to the Service's proposed action to prepare and implement a CCP for the Refuge and from questions raised in conversations and correspondence with individuals and organizations within and outside the Service, the Service identified several significant issues that will be analyzed in this EA. They are:



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- *Service trust resources*, namely, what effect will Refuge management actions have on listed species, waterfowl and other migratory birds, and biological diversity (internal issue)?
- *Refuge visitor services*, namely, what effect will Refuge management actions have on the quality of visitor services provided at the Refuge, namely hunting, fishing, wildlife observation, photography, environmental education, and interpretation (internal/external issue)?
- *Habitat management*, namely, what effect will Refuge habitat management actions have on the quantity and quality of habitats within the Refuge and the Refuge watershed, namely the wetlands, forests, and open landscapes (internal issue)?
- *The Yellow River Focus Area*, namely, how will Refuge management actions affect the habitat in the Yellow River Focus Area, and how will those management actions impact private property rights and the areas tax base (external issue)?

## 6. DECISION FRAMEWORK

In compliance with the National Environmental Policy Act of 1969, the Regional Director for the Great Lakes-Big Rivers Region of the Service will use this EA and attached CCP to select one of three alternative actions (Chapter 2) and will also decide whether this action will have significant environmental impacts requiring that an Environmental Impact Statement be developed or if a Finding of No Significant Impact can be issued.

## 7. LEGAL COMPLIANCE

Management and administration of the Refuge is mandated by a number of laws (Acts) and Executive Orders (EO's). These include:

### **National Wildlife Refuge System Improvement Act of 1997 (Refuge Administration Act).**

This Act defines the National Wildlife Refuge System and authorizes the Secretary to permit any use of a refuge provided such use is compatible with the major purposes for which the refuge was established. The Refuge Improvement Act clearly defines a unifying mission for the Refuge System; establishes the legitimacy and appropriateness of the six priority public uses (hunting, fishing, wildlife observation and photography, or environmental education and interpretation); establishes a formal process for determining compatibility; established the responsibilities of the Secretary of Interior for managing and protecting the System; and requires a Comprehensive Conservation Plan for each refuge by the year 2012. This Act amended portions of the Refuge Recreation Act and National Wildlife Refuge System Administration Act of 1966.

**National Environmental Policy Act of 1969 (NEPA).** The purposes of the NEPA are to: declare a national policy which will encourage productive and enjoyable harmony between humans and their environment; promote efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man; enrich the understanding of the ecological systems and natural resources important to the Nation; and establish a Council on Environmental Quality.

**The Endangered Species Act of 1973, as amended.** This Act ensures that projects not affect the continued existence of any endangered or threatened species in the project area or result in destruction or adverse modification of their critical habitats.



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**Executive Order 11988.** E.O. 11988 directs Federal agencies to (1) avoid development in the floodplain unless it is the only practical alternative, (2) reduce the hazards and risks associated with floods, (3) minimize the impact of floods on human safety, health, and welfare, and (4) restore and preserve the natural and beneficial values of the floodplain.

**Executive Order 11990.** E.O. 11990 directs Federal agencies to (1) minimize destruction, loss, or degradation of wetlands and (2) preserve and enhance the natural and beneficial values of wetlands when a practical alternative exists.

**Executive Order 12372** (Intergovernmental Review of Federal Programs). In compliance, the Service will send copies of the CCP/EA to State Planning Agencies for review.

**Executive Order 12996** (Management and General Public Use of the National Wildlife Refuge System). E.O. 12996 provides directives to the Secretary of the Interior on compatible wildlife-dependent recreational activities (hunting, fishing, wildlife observation, photography, environmental education, and interpretation).

**The Archeological Resources Protection Act of 1979.** Section 14 of the Archaeological Resources Protection Act of 1979 requires an inventory program of all Federal lands. This Act expands upon the Antiquities Act to protect all archeological sites more than 100 years old on Federal land, and to ensure that archeological investigations on Federal land are performed in the public interest by qualified persons.

**Uniform Relocation and Assistance and Real Property Acquisition Policies Act of 1970, as amended.** This Act provides for uniform and equitable treatment of persons who sell their homes, businesses, or farms to the Service. The Act requires that any purchase offer be no less than the fair market value of the property.

**The National Historic Preservation Act of 1966, as amended; Executive Order 11593 (Protection and Enhancement of the Cultural Environment); and Title 36, Code of Federal Regulations, Part 800 (Protection of Historic Properties).** Section 106 of the National Historic Preservation Act of 1966 requires Federal agencies to consider the effects of their undertaking on properties meeting criteria for the National Register of Historic Places. The regulations in 36 CFR Part 800 describe how Federal agencies are to identify historic properties, determine effect on significant historic properties, and mitigate adverse effects. Section 110 of the 1966 Act codifies the salient elements from E.O. 11593, “to ensure that historic preservation is fully integrated into ongoing programs and missions of Federal agencies.” Section 110 also requires each Federal agency to inventory of all historic properties on its lands.

**The Native American Graves Protection and Repatriation Act of 1990.** Directs Federal agencies to protect Native American human remains and associated burial items located on or removed from Federal land.

**Federal Farmland Protection Policy Act of 1981, as amended.** The Act is intended to minimize the extent to which a project would contribute to the conversion of farmland to nonagricultural uses.



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**Clean Water Act (Section 401 and 404).** Section 404 of the Act is intended to protect access to and quality of the nation's waters by preventing the unnecessary loss of wetlands and other sensitive aquatic areas. Section 401 of the Act requires water quality certification prior to the issuance of a 404 permit and for other activities discharging into a water body.

**Rivers and Harbor Act (Section 10 of 1899).** Section 10 of this Act regulates the placement of fill in navigable waters of the United States.

**Refuge Revenue Sharing Act of 1935, as amended.** This Act requires revenue sharing provisions to all fee-title ownerships that are administered solely or primarily by the Secretary through the Service.

**Migratory Bird Conservation Act of 1929.** The Act established the Migratory Bird Conservation Commission which consists of the Secretaries of the Interior (chairman), Agriculture, and Transportation, two members from the House of Representatives, and an ex-officio member from the state in which a project is located. The Commission approves acquisition of land and water, or interests therein, and sets the priorities for acquisition of lands by the Secretary for sanctuaries or for other management purposes. Under this Act, to acquire lands, or interests therein, the state concerned must consent to such acquisition by legislation. Such legislation has been enacted by most states.

**Archaeological and Historic Preservation Act of 1974.** This Act amends the Reservoir Salvage Act of 1960 to expand its provisions to the preservation of historic and archaeological data in all Federal or federally assisted or licensed construction projects that might otherwise be lost. This Act directs Federal agencies to notify the Secretary of the Interior whenever they find a Federal or federally assisted, licensed or permitted project may cause loss or destruction of significant scientific, prehistoric or archaeological data. Funds may be appropriated, donated and/or transferred for the recovery, protection and preservation of such data.

**Fish and Wildlife Act of 1956.** This Act initially established the Fish and Wildlife Service under the Assistant Secretary for Fish and Wildlife and a Commissioner for Fish and Wildlife. The Service consisted of the Bureau of Sport Fisheries and Wildlife and a Bureau of Commercial Fisheries, each having a Director. In 1970, the Bureau of Commercial Fisheries was transferred to the Department of Commerce. The Act was amended by Public Law 93-271 to abolish the office of Commissioner and establish the U.S. Fish and Wildlife Service under a Director. Under this Act, the Secretary of Interior is authorized to take such steps as may be required for the development, advancement, management, conservation, and protection of fish and wildlife resources including but not limited to research, development of existing facilities, and acquisition by purchase or exchange of land and water or interests therein. The Act also authorizes the Service to accept gifts of real or personal property for its benefit and use in performing its activities and services. Such gifts qualify under Federal income, estate, or gift tax laws.

**Fish and Wildlife Improvement Act of 1978.** This act was passed to improve the administration of fish and wildlife programs and amends several earlier laws including the Refuge Recreation Act, the National Wildlife Refuge System Administration Act, and the Fish and



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Wildlife Act of 1956. It authorizes the Secretary of Interior to accept gifts and bequests of real and personal property on behalf of the United States. It also authorizes the use of volunteers on Service projects and appropriations to carry out a volunteer program.

**Land and Water Conservation Fund Act of 1965.** This Act provides funding through receipts from the sale of surplus Federal land, appropriations from oil and gas receipts from the outer continental shelf, and other sources for land acquisition under several authorities. Appropriations from the Fund may be used for matching grants to states for outdoor recreation projects and for land acquisition by various Federal agencies, including the Service.

**National Wildlife Refuge System Administration Act of 1966.** This Act defines the National Wildlife Refuge System as including wildlife refuges, areas for the protection and conservation of fish and wildlife which are threatened with extinction, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas. The Secretary is authorized to permit any use of an area provided such use is compatible with the major purposes for which such area was established. The purchase consideration for rights-of-way go into the Migratory Bird Conservation Fund for the acquisition of lands. By regulation, up to 40 percent of an area acquired for a migratory bird sanctuary may be opened to migratory bird hunting unless the Secretary finds that the taking of any species of migratory game birds in more than 40 percent of such area would be beneficial to the species. The Act requires an Act of Congress for the divestiture of lands in the system, except (1) lands acquired with Migratory Bird Conservation Commission funds, and (2) lands can be removed from the system by land exchange, or if brought into the system by a cooperative agreement, then pursuant to the terms of the agreement.

**Refuge Recreation Act of 1962.** This Act authorizes the Secretary of the Interior to administer refuges, hatcheries, and other conservation areas for recreational use, when such uses do not interfere with the areas' primary purposes. It authorizes construction and maintenance of recreational facilities and the acquisition of land for incidental fish and wildlife-oriented recreational development or protection of natural resources.



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